

UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (rev. 1.8.3)
Eastern Division

Zafar Sheikh

Plaintiff,

v.

Case No.: 1:24-cv-00658

Honorable Martha M. Pacold

Bashir Chaudry, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, April 23, 2025:

MINUTE entry before the Honorable Martha M. Pacold: The motion of Yakub Chaus, Yakub Chaus & Co., and Nusrat Choudhry to dismiss, [118], is denied. As the motion notes, none of the parties to the motion are defendants in the operative second amended complaint, [113]. They are thus no longer parties to this case and cannot move to dismiss. See United States v. UCB, Inc., 970 F.3d 835, 842 (7th Cir. 2020) ("The power of a non party to force dismissal of another's lawsuit is... unheard of in our law."). The motion argues that the court's order dismissing the first amended complaint, [109], was a dismissal with prejudice under Federal Rule of Civil Procedure 41(b). However, Rule 41(b) governs dismissal of "action[s]." The court's dismissal order, by contrast, dismissed only the first amended complaint, not the entire action. See Trippe Mfg. Co. v. Am. Power Conversion Corp., 46 F.3d 624, 626 (7th Cir. 1995) (discussing the "distinction... between an order dismissing a complaint and an order dismissing the entire action"). The motion also argues that the court's previous dismissal order operates as a dismissal with prejudice of the claims against the defendants not named in the second amended complaint. However, the order, [109], did not dismiss the complaint with prejudice, and it indicated only that the claims would be dismissed with prejudice if defendant did not file a second amended complaint. Because plaintiff did file a second amended complaint, [113], the court did not dismiss the action with prejudice. Accordingly, the motion of Yakub Chaus, Yakub Chaus & Co., and Nusrat Choudhry to dismiss, [118], is denied. However, in light of plaintiff's omission of Yakub Chaus, Yakub Chaus & Co., and Nusrat Choudhry from the second amended complaint, [113], the Clerk of Court is directed to terminate Yakub Chaus, Yakub Chaus & Co., and Nusrat Chaudry as defendants. Motion [121] is denied without prejudice as duplicative of [120]. (rao,)

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